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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of
DRECHSLER, Martin et al.
Application No.: 10/069,826
PCT Application No.: PCT/EP00/03666
International Filing Date: 22 April 2000
Priority Date: 06 May 1999
Attorney Docket No.: AZ.2968
For: UV-SUPPORTED ACTIVATION OF
DOPING AGENT IN COMPOUND
SEMICONDUCTORS VIA RTP
SYSTEMS

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' "Letter," filed 22 February 2002. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 22 April 2000, applicants filed international application PCT/EP00/03666 which claimed priority to an application filed on 06 May 1999. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 November 2000. Applicants elected the United States in a demand filed on 21 October 2000. The thirty month time period for entering the national stage expired at midnight on 06 November 2001.

On 22 February 2002, applicants filed the instant petition accompanied by a transmittal letter for entry into the national stage in the United States, a preliminary amendment, a copy of an Express Mail mailing label and a translation of the international application.

DISCUSSION

A petition under 37 CFR 1.181 to accord a receipt date to paperwork that applicant claims was lost by the Office must be accompanied by (1) a true copy of what applicant claims was originally submitted and (2) proof that the paperwork was submitted on a particular date.

Item (1) has been met. Applicants submitted a "further copy" of the application papers claimed to have been submitted on 05 November 2001.

Item (2) has not been met. Applicants have not presented any evidence that the application papers for the national stage of PCT/EP00/03666 were included in the package identified by Express Mail mailing label number EL436586994US. While applicants indicate that

they did not receive the post card receipt for the application, they must still provide evidence of the package's contents. Additionally, applicants cannot rely on the Express Mail mailing label to establish receipt of the application papers for PCT/EP00/03666, as 37 CFR 1.10(e) applies only when the communication is lost *in toto* and applicants have indicated that the another application shipped under Express Mail mailing label number EL436586994US was received and processed. MPEP §513.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

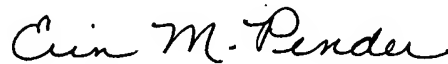
If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

The application remains **ABANDONED**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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